

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

COMMODITY FUTURES TRADING  
COMMISSION,

Plaintiff,

v.

JOHN PATRICK GORMAN III,

Defendant.

Case No. 21-cv-00870

**DECLARATION OF SEAN HECKER IN SUPPORT OF  
DEFENDANT JOHN GORMAN'S BRIEF REGARDING DISPUTED ISSUES**

I, Sean Hecker, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am a member of the bar of the State of New York and am admitted to appear before this Court. I am a Partner in the law firm of Hecker Fink LLP and counsel for Defendant John Gorman in the above-captioned action.

2. I respectfully submit this declaration in Support of Defendant John Gorman's Brief Regarding Disputed Issues.

3. Attached hereto as **Exhibit 1** is a true and correct copy of the Enforcement Manual of the Division of Enforcement of the Commodity Futures Trading Commission dated May 20, 2020, as available at <https://www.cftc.gov/LawRegulation/EnforcementManual.pdf>.

4. Attached hereto as **Exhibit 3** is a true and correct copy of CFTC-GORMAN-00559852.

5. Attached hereto as **Exhibit 7** is a true and correct copy of CFTC-GORMAN-00558268.

6. Attached hereto as **Exhibit 12** is a true and correct copy of CFTC-GORMAN-00559376.
7. Attached hereto as **Exhibit 14** is a true and correct copy of CFTC-GORMAN-00558441.
8. Attached hereto as **Exhibit 15** is a true and correct copy of CFTC-GORMAN-00558683.
9. Attached hereto as **Exhibit 16** is a true and correct copy of CFTC-GORMAN-00558602–CFTC-GORMAN-00558603.
10. Attached hereto as **Exhibit 17** is a true and correct copy of CFTC-GORMAN-00559606.
11. Attached hereto as **Exhibit 18** is a true and correct copy of CFTC-GORMAN-00558693.
12. Attached hereto as **Exhibit 19** is a true and correct copy of CFTC-GORMAN-00559106.
13. Attached hereto as **Exhibit 20** is a true and correct copy of CFTC-GORMAN-00559095.
14. Attached hereto as **Exhibit 21** is a true and correct copy of CFTC-GORMAN-00559111.
15. Attached hereto as **Exhibit 22** is a true and correct copy of CFTC-GORMAN-00558633.
16. Attached hereto as **Exhibit 23** is a true and correct copy of CFTC-GORMAN-00559289.

17. Attached hereto as **Exhibit 24** is a true and correct copy of CFTC-GORMAN-00558666.
18. Attached hereto as **Exhibit 25** is a true and correct copy of CFTC-GORMAN-00559622.
19. Attached hereto as **Exhibit 26** is a true and correct copy of CFTC-GORMAN-00558697–CFTC-GORMAN-00558698.
20. Attached hereto as **Exhibit 27** is a true and correct copy of CFTC-GORMAN-00559547–CFTC-GORMAN-00559548.
21. Attached hereto as **Exhibit 28** is a true and correct copy of CFTC-GORMAN-00559102.
22. Attached hereto as **Exhibit 29** is a true and correct copy of CFTC-GORMAN-00559068.
23. Attached hereto as **Exhibit 30** is a true and correct copy of CFTC-GORMAN-00559626.
24. Attached hereto as **Exhibit 31** is a true and correct copy of CFTC-GORMAN-00558631.
25. Attached hereto as **Exhibit 32** is a true and correct copy of CFTC-GORMAN-00559615.
26. Attached hereto as **Exhibit 33** is a true and correct copy of CFTC-GORMAN-00558660.
27. Attached hereto as **Exhibit 34** is a true and correct copy of CFTC-GORMAN-00558625.


28. Attached hereto as **Exhibit 35** is a true and correct copy of CFTC-GORMAN-00558741.
29. Attached hereto as **Exhibit 36** is a true and correct copy of CFTC-GORMAN-00559370.
30. Attached hereto as **Exhibit 37** is a true and correct copy of CFTC-GORMAN-00559341.
31. Attached hereto as **Exhibit 38** is a true and correct copy of CFTC-GORMAN-00559335.
32. Attached hereto as **Exhibit 39** is a true and correct copy of CFTC-GORMAN-00558668.
33. Attached hereto as **Exhibit 40** is a true and correct copy of CFTC-GORMAN-00558638.
34. Attached hereto as **Exhibit 41** is a true and correct copy of CFTC-GORMAN-00558627.
35. Attached hereto as **Exhibit 42** is a true and correct copy of an email exchange between K. Epstein and D. Cain et al. dated November 14, 2024 to November 21, 2024.
36. Attached hereto as **Exhibit 43** is a true and correct copy of CFTC-GORMAN-00459787.
37. Attached hereto as **Exhibit 44** is a true and correct copy of CFTC-GORMAN-00458460–CFTC-GORMAN-00458461.
38. Attached hereto as **Exhibit 45** is a true and correct copy of CFTC-GORMAN-00461310.

39. Attached hereto as **Exhibit 46** is a true and correct copy of CFTC-GORMAN-00458903.
40. Attached hereto as **Exhibit 47** is a true and correct copy of CFTC-GORMAN-00459836.
41. Attached hereto as **Exhibit 48** is a true and correct copy of CFTC-GORMAN-00458885.
42. Attached hereto as **Exhibit 51** is a true and correct copy of CFTC-GORMAN-00558734.
43. Attached hereto as **Exhibit 53** is a true and correct copy of CFTC-GORMAN-00559032.
44. Attached hereto as **Exhibit 54** is a true and correct copy of an email from A. Cohen to S. Kelly et al. dated October 18, 2024.
45. Attached hereto as **Exhibit 55** is a true and correct copy of an email exchange between Plaintiff's counsel and Defendant's counsel dated November 12, 2024 to November 19, 2024.
46. Attached hereto as **Exhibit 56** is a true and correct copy of a letter from D. Cain to S. Hecker dated November 21, 2024.
47. Attached hereto as **Exhibit 57** is a true and correct copy of Defendant John Gorman's Third Set of Requests for the Production of Documents dated September 6, 2024.
48. Attached hereto as **Exhibit 63** is a true and correct copy of Defendant John Gorman's First Set of Requests for the Production of Documents dated June 1, 2023.
49. Attached hereto as **Exhibit 64** is a true and correct copy of a letter from D. Cain to S. Hecker dated November 13, 2024.

50. Attached hereto as **Exhibit 65** is a true and correct copy of CFTC-GORMAN-00559867–CFTC-GORMAN-00559873.

51. Attached hereto as **Exhibit 66** is a true and correct copy of CFTC-GORMAN-00559804.

Dated: November 22, 2024  
New York, New York

By:   
Sean Hecker